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Attorneys for Plaintiff
Cara Nonaka

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

CARA NONAKA,

Plaintiff,

vs.

SAM'S WEST, INC. dba SAM'S CLUB; and
JOHN DOES 1-10,

Defendants.

Civil No.
(Non-Motor Vehicle Tort)

COMPLAINT; SUMMONS

COMPLAINT

Comes now Plaintiff Cara Nonaka, by and through her attorneys, Rosenberg McKay Hoffman, and for a Complaint against the above-named Defendants alleges and avers as follows:

PARTIES

1. Plaintiff Cara Nonaka ("Plaintiff") is, and at all times relevant herein was, a resident of the City and County of Honolulu, State of Hawaii.

2. Upon information and belief, Defendant Sam's West, Inc. dba Sam's Club ("Defendant Sam's Club") currently is, and at all times relevant herein was, a foreign profit

corporation incorporated in Arkansas, and authorized to do business in the City and County of Honolulu, State of Hawaii.

3. Defendants JOHN DOES 1-10 (“DOE Defendants”) are persons, corporations, partnerships, business entities, non-profit entities, and/or governmental entities who acted in a negligent, wrongful or tortious manner which proximately caused or contributed to injuries and damages sustained by Plaintiff. Plaintiff has been unable to ascertain the names and identities of the above-named DOE Defendants from the investigation that has been conducted to date. Accordingly, Plaintiff has sued the unidentified DOE Defendants herein with fictitious names pursuant to Rule 17(d) of the Hawaii Rules of Civil Procedure, and Plaintiff will substitute the true names, identities, capacities, acts and/or omissions of the DOE Defendants when the same are ascertained.

JURISDICTION AND VENUE

4. All of the acts and occurrences alleged herein occurred within the City and County of Honolulu, State of Hawaii.

5. The amount of Plaintiff’s damages alleged herein fall within the jurisdictional requirements of this Court.

6. This Court has jurisdiction over the parties and subject matter of this action pursuant to Hawaii Revised Statutes (“HRS”) § 603-21.5(a)(3).

7. Venue is proper in the First Circuit Court for the State of Hawaii pursuant to HRS § 603-36(5).

FACTS

8. Upon information and belief, Defendant Sam's Club is the lessee and possessor of land located at 1000 Kamehameha Highway in the City and County of Honolulu, where it owns and operates a retail sales membership club.

9. On or about July 14, 2020, Plaintiff was shopping at the Sam's Club warehouse located at the foregoing address. While walking through the produce department, Plaintiff slipped on a blueberry and fell to the ground.

10. Plaintiff thereby sustained serious bodily injuries.

CAUSE OF ACTION: NEGLIGENCE

11. Defendant('s/s') failure to maintain the warehouse floor in a reasonably safe condition, specifically by failing to maintain the floor clear of produce and to warn Plaintiff of the unreasonable risk of harm posed by the produce was negligent and committed with reckless disregard for the rights and safety of Plaintiff.

12. As a direct and proximate result of Defendant('s/s') negligence, Plaintiff suffered and continues to suffer from injuries and damages including, but not limited to: past and future medical and related expenses; past and future pain and suffering; disability and disfigurement; past and future loss of enjoyment of life; past and future serious mental anguish and emotional distress; past and future loss of income and other employment benefits; impairment of earning capacity; and property damage for which Plaintiff is entitled to compensation in amounts to be proven at trial.



WHEREFORE, Plaintiff Cara Nonaka prays for relief against the above-named Defendants, jointly and severally, as follows:

a. For general and special damages in amounts that will be proven at trial,

- b. For costs and attorney's fees,
- c. For prejudgment and post-judgment interest, and,
- d. For such other relief deemed just and appropriate under the circumstances.

DATED: Honolulu, Hawaii, June 8, 2020.

/s/ Rodger I. Hoffman
RODGER I. HOFFMAN
Attorney for Plaintiff

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF CARA NONAKA	VS.	DEFENDANT(S) SAM'S WEST, INC. dba SAM'S CLUB; and JOHN DOES 1-10
PLAINTIFF'S NAME & ADDRESS, TEL. NO. RODGER I. HOFFMAN 5557-0 737 Bishop Street, Suite 2350 Honolulu, Hawaii 96813 Tel: (808) 536-4270 Facsimile: (808) 533-0434		
TO THE ABOVE-NAMED DEFENDANT(S) You are hereby summoned and required to file with the court and serve upon RODGER I. HOFFMAN, ESQ. <hr/> plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS. A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawai'i 	
 In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on OAHU- Phone No. 808-539-4400, TTY 808-539-4853, FAX 539-4402, at least ten (10) working days prior to your hearing or appointment date.		